

SOLID WASTE DISPOSAL ACT (SWDA)8-9-A. Administrative Enforcement: Issuance of Complaints
Signing of Consent Agreements, etc.

1. AUTHORITY. Pursuant to the Solid Waste Disposal Act (SWDA): to make determinations of violation of Subtitle C; to issue warning letters or other notices; to issue compliance orders; to issue notices to States; to issue complaints; and to negotiate and sign consent agreements memorializing settlements between the Agency and respondents.

2. TO WHOM DELEGATED. Director, Land and Chemicals Division (LCD); Associate Director, Office of Land Enforcement, LCD; and Director, Office of Enforcement, Compliance and Environmental Justice (OECEJ).

3. LIMITATIONS.

a. This authority may only be exercised prior to the alleged violator's filing an answer or failure to file an answer to a complaint.

b. The delegates may exercise these authorities only for those cases initiated by the Region. The delegates must obtain the concurrence of Regional Counsel or his/her designee prior to issuing complaints, and prior to signing consent agreements authorized under paragraph 1.

c. The Director OECEJ may exercise these authorities only in multi-media cases.

d. The Director OECEJ must consult with the LCD delegates before exercising these authorities.

4. REDELEGATION AUTHORITY. This authority may not be redelegated without formal amendment.

5. ADDITIONAL REFERENCES.

a. Section 3001(b) (3) (B) (iv) and 3008 (except 3008(h)) of SWDA.

b. See the Chapter 8 Delegations entitled: "Determination That There Is or Has Been a Release"; "Administrative Enforcement - Corrective Action Authority: Issuance of Complaints and Orders, Signing of Consent Agreements"; and "Administrative Enforcement - Corrective Action: Agency Representation in Hearings and Signing of Consent Agreements."

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8-9-A. Administrative Enforcement: Issuance of Complaints
Signing of Consent Agreements, etc. (Cont.)

6. SUPERSESSSION. Delegations Manual, SWDA, Regional Delegation 8-9-A. Administrative Enforcement: Issuance of Complaints, Signing of Consent Agreements, etc., 1200 TN RIII-80, (November 22, 1989).

Date 9/1/98

/s/ Thomas C. Voltaggio
W. Michael McCabe
Regional Administrator